



PATENT

Application Serial No. 09/348,566  
Attorney Docket No. 98-120

DAZ \$  
#19

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Walker et al.

Application No.: 09/348,566

Filed: July 7, 1999

For: SETTLEMENT SYSTEMS AND  
METHODS WHEREIN A BUYER  
TAKES POSSESSION AT A  
RETAILER OF A PRODUCT  
PURCHASED USING A  
COMMUNICATION NETWORK

Customer No. 22927

) Group Art Unit: 2165

)

) Examiner: Zurita, James H.  
(703) 605-4966

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) **PETITION PURSUANT TO 37 C.F.R. §  
1.78(A)(3)**

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) Attorney Docket No. 98-120

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with  
the United States Postal Service as first class mail in an envelope  
with sufficient postage and addressed to: Assistant Commissioner  
for Patents, Washington, D.C. 20231.

Dated: April 23, 2003 By

*Veronika S. Leliever*  
Veronika S. Leliever

Assistant Commissioner for Patents  
Washington, D.C. 20231

**PETITION PURSUANT TO 37 C.F.R. § 1.78(A)(3) TO ACCEPT AN  
UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. § 120**

Dear Examiner:

Applicants petition to have accepted an unintentionally delayed amendment for a claim  
under 35 U.S.C. § 120 for the benefit of prior filed, copending nonprovisional application:

U.S. Patent Application Serial No. 08/889,503, filed July 8, 1997;  
U.S. Patent Application Serial No. 08/889,319, filed July 8, 1997;  
U.S. Patent Application Serial No. 08/997,680, filed December 23, 1997; and  
U.S. Patent Application Serial No. 08/883,308, filed June 26, 1997;

These prior applications each name as an inventor at least one inventor named in the  
present (later filed nonprovisional) application and discloses the named inventor's invention

claimed in at least one claim of the present (later filed nonprovisional) application in the manner provided by the first paragraph of 35 U.S.C. § 112. In addition, the prior application is:

- (i) An international application entitled to a filing date in accordance with PCT Article 11 and designating the United States of America;
- or
- (ii) Complete as set forth in 37 C.F.R. Sec. 1.51(b); or
- (iii) Entitled to a filing date as set forth in 37 C.F.R. Sec. 1.53(b) or Sec. 1.53(d) and includes the basic filing fee set forth in 37 C.F.R. Sec. 1.16; or
- (iv) Entitled to a filing date as set forth in 37 C.F.R. Sec. 1.53(b) and has paid therein the processing and retention fee set forth in 37 C.F.R. Sec. 1.21(l) within the time period set forth in 37 C.F.R. Sec. 1.53(f).

Accordingly, Applicants petition to have accepted an amendment to the present specification to contain, in the first sentence following the title, a reference to each prior application. This amendment to contain a reference to a prior application is presented in the **AMENDMENT AND RESPONSE** mailed April 23, 2003, and this reference identifies each prior application by application number (consisting of series code and serial number) or international application number and international filing date and indicates the relationship of the applications. This reference is submitted during the pendency of the present application.

The reference identifying the prior application by application number or international application number and international filing date was unintentionally delayed. The entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2) and the date the claim was filed was unintentional.

### Conclusion

If there remains any question regarding the present application or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Dean Alderucci at telephone number 203-461-7337 or via electronic mail at Alderucci@WalkerDigital.com.

Respectfully submitted,

April 23, 2003  
Date



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